

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21616 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- MAHILA P.S. District- Saran

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Ganesh Prasad S/O Kapildeo Mahali Resident Of Village- Maksudpur, P.S.-
Jalalpur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69919 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- MAHILA P.S. District- Saran

- =====
1. Kapil Deo Mahali Son Of Late Manatish Mahali Resident Of Village-
Maksudpur, P.S.- Jalalpur, District- Saran.
 2. Deepak Kumar Son Of Kapil Deo Mahali Resident Of Village- Maksudpur,
P.S.- Jalalpur, District- Saran.
 3. Shobha Devi Wife Of Kapil Deo Mahali Resident Of Village- Maksudpur,
P.S.- Jalalpur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 21616 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 69919 of 2021)

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 06-12-2022 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Learned counsel for the petitioners seeks
permission to withdraw the petition with regard to petitioner



No. 3, in Cr. Misc. No. 69919 of 2021, namely, Shobha Devi, Wife of Kapil Deo Mahali.

Permission is accorded.

Accordingly, the petition with regard to petitioner No. 3 in Cr. Misc. No. 69919 of 2021 is dismissed as withdrawn.

The allegation against the petitioners is that due to non-fulfillment of dowry demand of car, petitioners started to assault and torture the informant mentally and physically.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 498(A), 307, 313, 376, 511, 504, 506 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case.

Learned Counsel for the informant prayed for some maintenance for survival of the informant as she is a



housewife and she is not able to maintain herself.

In alternative, learned counsel appearing on behalf of the petitioners, on instructions, submits that petitioner namely, Ganesh Prasad (in Cr. Misc. No. 21616 of 2022) is ready to give rupee four thousand per month from this month, subject to furnishing bank account number by the informant to the petitioner.

In the changed circumstance, learned counsel for the informant admits that he shall provide bank account number of the informant to the petitioner namely, Ganesh Prasad (in Cr. Misc. No. 21616 of 2022) within a period of one week from today. On receipt of the bank account number of the informant, the petitioner, namely, Ganesh Prasad (in Cr. Misc. No. 21616 of 2022) shall deposit Rs 4,000/ (Four Thousand) in every month commencing from December as maintenance in the account furnished by the informant.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail, except petitioner No. 3, in Cr. Misc. No. 69919 of 2021,



namely, Shobha Devi. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Saran Mahila P.S. Case No. 48 of 2021 they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Chapra, Saran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

The bail bond of the petitioner namely, Ganesh Prasad (in Cr. Misc. No. 21616 of 2022) shall be accepted by the learned court below on showing receipt of deposit of Rs. 4,000/- (for the month of December) by the petitioner, namely, Ganesh Prasad (in Cr. Misc. No. 21616 of 2022) in the account of the informant.

The aforesaid payment will be subject to any order passed in the maintenance case for final settlement.

(Sunil Kumar Panwar, J)

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